

IN THE CROWN COURT

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Before:

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HIS HONOUR JUDGE R. A. R. STROYAN Q.C.

C

Held at:

The Law Courts,
Victoria Square,
Middlesbrough.

D

On:

Monday, 9th March, 1981

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R E G I N A

- v -

F

JOHN ALEXANDER SYMONDS

G

MR. G. RIVLIN Q.C. assisted by MR. F. RADCLIFFE appeared as counsel on behalf of the Crown.

MR. SYMONDS was unrepresented.

H

Transcript of the Shorthand Notes by Mrs. C. Bowe of Humphreys, Barnett & Co.,
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I N D E X

EDWARD MICHAEL VERNOL

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Trial within a Trial Continued

A MR. RIVLIN: Your Honour, this case is to proceed. We are now going to interpose the evidence of Detective Chief Inspector Vernol.

MR. RADCLIFFE: Your Honour, I call that officer.

HIS HONOUR JUDGE STROYAN: What page is it?

MR. RADCLIFFE: It is additional evidence dated 31st of October, 1980.

B HIS HONOUR JUDGE STROYAN: Before the witness is called, I think Mr. Symonds has something to say. Do you want the witness to withdraw, Mr. Symonds?

C I notice that we have some members of the press in court. I am sure they understand that this is a trial within a trial, and not a trial of the case; and the jury are not here for the express purpose they should not hear what is being dealt with now, and I am sure I need not remind people that it would be wrong if anything were reported about what happens on this trial, at all events until the end of it, in case the jury should see it, because that is the express purpose the jury were excluded from court.

Do you want to say anything Mr. Symonds?

D DEFENDANT SYMONDS: No, thank you.

EDWARD MICHAEL VERNOL (Sworn)

Examined by Mr. Radcliffe:

WITNESS VERNOL: Edward Vernol, Detective Chief Inspector, Metropolitan Police, attached to Woolwich Police Station.

E MR. RADCLIFFE:

Q. In 1970 were you a First Class Detective Sergeant appointed to the Times Enquiry? - A. Yes sir.

Q. Did you become Exhibits Officer in that Enquiry? - A. Yes sir.

F Q. Taking over from Detective Sergeant Osborne? - A. That is correct, My Lord.

Q. Was that early in 1970, do you remember? - A. I am not sure of the month, My Lord, but it was certainly in the first half of the year.

Q. And on the day you took over, were you given custody of a number of tape recordings which were in the possession of Detective Constable Collins? - A. That is correct, My Lord.

G Q. And were those tape recordings numbered 1 to 19? - A. Yes sir.

Q. Would you look at ...?

HIS HONOUR JUDGE STROYAN:

H Q. Whom? - A. Detective Constable Collins.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RADCLIFFE:

A Q. Would you look at a few exhibits please, numbered 1 to 7? Look at Exhibit 1 first. Do you recognise that box and spool? - A. Yes sir.

Q. Was that one of the 19 tapes? - A. Yes sir. It is in an envelope with my handwriting on it as well, sir.

HIS HONOUR JUDGE STROYAN: That is Exhibit 1.

MR. RADCLIFFE:

B Q. Which is your handwriting? Would you identify it? - A. On the small envelope it says: "Tape 1, JDM 1".

Q. "JDM 1", is that your writing? - A. That is my writing, yes.

C Q. Would you look at Exhibit 2, please, in the same way? First of all, is your writing on the small envelope? - A. Yes, that is my writing on the small envelope.

HIS HONOUR JUDGE STROYAN: Tape 2, is it?

MR. RADCLIFFE: Your Honour, yes, Exhibit 2.

Q. Do you recognise the spool and the box? - A. Yes. Yes, My Lord.

D HIS HONOUR JUDGE STROYAN:

Q. Your handwriting, is it? - A. My handwriting is on the little envelope, My Lord.

Q. Were the envelopes sealed when they came into your possession? - A. No sir.

E MR. RADCLIFFE:

Q. Exhibit 3? - A. Again, this is my writing on the small envelope.

Q. And the box and the spool, do you recognise those? - A. Yes.

Q. As being the exhibits that were in the envelope? - A. That is correct, My Lord.

F Q. When you got them. And Exhibit 4? - A. Again, it's got my writing on the small envelope.

Q. And do you recognise the spool and the box? - A. Yes, My Lord.

Q. As being part of the original exhibit? - A. Yes sir.

G Q. Exhibit 5? - A. Again it has my writing on the small envelope.

Q. And the spool? - A. Yes, My Lord.

Q. And the box, do you recognise those? - A. Yes, My Lord.

Q. As the original exhibits in your custody. Exhibit 6? - A. Again, it has my writing on the small envelope.

H Q. In each case, did you write the same thing? - A. Yes. I write the tape number, and then the JDM number.

Q. The tape number. And the spool, do you recognise that? - A. Yes, My Lord.

Q. And the box? - A. Yes My Lord.

A

Q. Part of the original exhibit? - A. Yes.

Q. And then Exhibit 7? - A. Again my writing is on the small envelope, yes My Lord.

Q. Do you recognise that exhibit? - A. Yes My Lord.

B

Q. As the original Exhibit 7 that was passed to you for safe keeping. After a while, did you make a box in which to keep these tapes and other exhibits? - A. Yes, a wooden box.

Q. You made it? - A. Well, I caused it to be made, My Lord.

Q. That one, with a padlock? - A. That is correct.

Q. And did you put those exhibits, 1 to 7 in that box?- A. Yes sir.

C

Q. Was that sometime before the Robson and Harris trial? - A. It was either just before, or just after. I think it is my writing on that box as well.

Q. Yes. Whereabouts? - A. There is a warning about the storage of the tapes, which is now very faded. But I recollect putting that on.

D

Q. Yes. How long did you remain Exhibits Officer? - A. Well, I joined the Enquiry four to six months after it commenced. Then I was Exhibits Officer until the Enquiry wound up.

Q. You can't remember which year that was? - A. I am afraid I can't.

Q. What did you do with the key to the box? - A. After the tapes had been put into the custody of the Police Property Store, the keys to the box were handed to the Commander, Central Office, New Scotland Yard.

E

HIS HONOUR JUDGE STROYAN:

Q. After the box was put into what custody? - A. The box and the tapes went into the custody of the Metropolitan Police Prisoners' Property Office, which I took there personally.

F

MR. RADCLIFFE:

Q. Was that soon after the Robson/Harris trial? - A. I think that was after the Appeal, but again I am remembering a long time ago, sir.

Q. Then you gave the key ...? - A. To Commander(Coakey?), Central Office, New Scotland Yard.

G

Q. On the 5th of June, 1980, did you go to the Prisoners' Property Store?-
A. Yes, My Lord.

Q. Was that with other officers? - A. Yes sir.

Q. Who were they? - A. Detective Chief Inspector Walker and Detective Sergeant Stone.

H

Q. And did you see your box? - A. Yes sir.

Q. Which we have just been looking at, in the Prisoners' Property Store?
Did you open it? - A. It was opened, yes, in my presence.

Q. In your presence, and ...? - A. The tapes were there.

A Q. Were Exhibits 1 - 7 in the box then? - A. That is correct, sir.

HIS HONOUR JUDGE STROYAN:

Q. Who had the custody of the key, Commander Coakey? - A. That is Central
Office, New Scotland Yard.

B Q. Opened in your presence? - A. By Chief Inspector Walker and Sergeant
Stone.

MR. RADCLIFFE: Did you check that the tapes were exactly as they were when
you deposited them? - A. Yes, they appeared to be exactly the same, My
Lord.

HIS HONOUR JUDGE STROYAN: Just one moment, Mr. Symonds. I have got one
question.

C Q. You received them from Detective Constable Collins, is that right? -
A. Yes sir.

Q. But before they were put into that box, how were they kept? - A. They
were kept in a locked, I think it was a filing cabinet My Lord, and
I retained the key in my possession.

D Q. So when you got them from Detective Constable Collins, they went into
the locked filing cabinet? - A. Yes.

Q. You keeping the key? - A. They were already in the locked filing
cabinet. I took over the key and the filing cabinet, and of course
there were many other exhibits, sir.

Q. From Collins? - A. From Collins, yes.

E Q. From that moment until the 5th of June, 1980, did the tapes, so far as
you were concerned, leave either the cabinet or the box? - A. Not
as far as I was concerned at all, sir.

Q. What happened to the tapes after the 5th of June, 1980? - A. As far as
I know, sir, they remained in the possession of Mr. Walker and
Sergeant Stone.

F HIS HONOUR JUDGE STROYAN: I see. Now, Mr. Symonds.

EDWARD MICHAEL VERNOL

Cross-examined by the Defendant Symonds:

G Q. Mr. Vernol, you say when you took over the Enquiry? - A. I took over
the exhibits, not the Enquiry.

Q. You thought it necessary to place these tape recordings into envelopes,
is that correct? - A. Yes.

Q. How were they kept before? - A. I presume, just in their boxes.

H Q. Just in their boxes, and they were kept in their boxes in a locked
filing cabinet? - A. Yes.

- A
- Q. Did you place the copy tapes in envelopes as well? - A. I can't remember. If the copy tapes are in court, we should soon see.
- Q. Yes. Could you look at Copy Tape 1, please? - A. That is Copy Tape 1,
- Q. It is not in an envelope? - A. No. Is there an envelope in the folder? Copy Tape 2 is in an envelope, but it is not my writing on it.
- Q. Do you recognise the writing? - A. I don't. No. Possibility that the envelopes were replaced, because as you can see, this one is getting a bit tatty, and the originals were handled a lot more than the copy tapes.
- B
- Q. Do you know why that was? - A. Why what was?
- Q. That the originals were handled a lot more than the copy tapes? - A. Because they were examined at great length by several experts, so that meant at various times the tapes had to come out of the little envelope.
- C
- Q. Would it be true to say, when you took over the Enquiry, the copy tapes and the original tapes were together kept in a filing cabinet, locked? - A. Yes, they were all kept in a locked filing cabinet.
- Q. And how many keys were there to this filing cabinet? - A. I think there was one.
- Q. Could there have been two? - A. I don't think there was.
- D
- Q. Do you recall giving evidence about this matter approximately eight weeks ago? - A. Yes.
- Q. And regarding the question of another key, I think you were not sure then? - A. Well, I am not sure now. I said 'I think'.
- Q. If there had been another key, would it have been in the possession of the officer in charge of the Enquiry, Mr. Moody? - A. I wouldn't have thought so. If there was another key, it would have been in the possession of the Office Manager.
- E
- Q. Who was that? Sergeant (Inaudible)? - A. No, Detective Sergeant Boreham, I think was the Office Manager.
- Q. During the time you were Exhibits Officer, did senior officers come, from time to time, to look at these tape recordings? - A. No.
- F
- Q. Or to listen to them? - A. No.
- Q. Had the transcripts been prepared by the time you came on to the Enquiry? - A. Yes, the transcripts had been completed.
- G
- Q. This box, I understand, was made in fact after the trial of Robson and Harris, is that right? - A. No, I think it was made for the trial of Robson and Harris. I had several boxes made for various exhibits, and that one was made either just before, during, or just after.
- Q. The trial of Robson and Harris was in 1972, is that correct? - A. Yes, a considerable time ago.
- H
- Q. Therefore, the tapes and the copy tapes would have been in the cabinet in the office from 1969 until 1972? - A. Yes, they would have been in the cabinet until they were stored.

Q. Into the box? - A. And that box was made for the purpose of storing; and again, it is a long time ago, I am only going from memory, it may well have been made for conveyance to court.

A Q. You say that the original tape recordings never left your possession during the time that you had custody of them? - A. They never left my constructive possession.

Q. And they therefore did leave your possession? - A. I never took them home with me when I went to bed.

Q. No, but did you give them into the custody of any other officer? - A. No.

B Q. Never? - A. Not as far as I can remember.

Q. You are quite sure about that? - A. As far as I can remember.

Q. Positive? - A. I said "As far as I can remember".

Q. It is rather important, you see.

C HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. You say you came on to the Enquiry four to six months after it commenced? - A. After it started.

D Q. Which is either March or May? - A. Yes.

Q. You can't get any closer than that? - A. I can't.

Q. Are there any records in existence which might help you? - A. I can't think of any, no.

E Q. Such as the Exhibits Book, for example? Would you look at Exhibit No. 40 please, 41? Do you recognise that book? - A. Yes.

Q. Do you recognise your handwriting in that book? - A. Yes, my handwriting appears at various places.

Q. Does that help you to refresh your memory as to what date you came on to the Enquiry? - A. The first time I can see my writing is 29/5/70.

F Q. I believe about eight weeks ago, you recalled that you came on to the Enquiry in about February 1970, is that correct? - A. Well, I am only going from memory, but I wasn't asked to look at this book at the Old Bailey.

HIS HONOUR JUDGE STROYAN:

G Q. What is the date of the first entry? - A. The first date I can see in my handwriting, having just quickly gone through the book My Lord, is 29/5.

Q. 29th of May, 1970? - A. Yes, but of course, I might have been on ... The Enquiry was well under way, and I may well have been on the Enquiry some time before another exhibit came in.

H DEFENDANT SYMONDS:

Q. May I see that Exhibit Book please? During the course of the Enquiry,

did you ever have occasion to refer to the copy tapes in this case? -
A. They were looked at by a number of experts in my presence, yes.

A Q. To your knowledge, is there a record of the copy tapes recorded in that book? - A. Without looking, I don't know.

Q. Will you please look? - A. Just original tapes are shown. That is the first exhibit in the Exhibit Book, the first number in the Exhibit Book.

Q. Would you have expected to find the copy tapes recorded there, in that book of exhibits? - A. No.

B Q. Were not all Exhibits recorded in that book? - A. Well, the copy tapes were not exhibits. The originals were exhibits.

Q. Is it to your knowledge that the copy tapes were handed over several days before the originals were handed over? - A. No. As I told you, I didn't come on to the Enquiry until it was well under way.

C Q. During the time you were in the Enquiry, officer, did you ever have cause to search the Exhibit Book for statements made by members of the Times staff? - A. Yes. If somebody on the Enquiry wanted an Exhibit, they would ask me to get it for them, then I would look it up in the Index, and then go to my drawers and cupboards.

Q. Were you present when the original tape recordings were examined by a Mr. Ford, and a Mr. Killick? - A. Yes.

D Q. Did you ever see Mr. Ford or Mr. Killick make any marks upon the tape recordings? - A. No.

Q. Were you present when Mr. Killick and Mr. Ford discovered marks? -
A. Yes.

DEFENDANT SYMONDS: Thank you.

E HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Yes, thank you very much indeed, officer.

WITNESS VERNOL: May I be released, My Lord?

HIS HONOUR JUDGE STROYAN: Yes, certainly.

F MR. RIVLIN: Your Honour, so that there can be no doubt about it, and you are not misled in any way, may I tell you that we have statements, some of which the defendant has seen, others which have just been handed to me and are now being copies, which show that from time to time over the years - and I mean from time to time, it happened very occasionally and rarely - a senior officer in the appropriate department would go to the box, open it up, and examine the contents to make sure they were in order. And My Lord, I will give you details in a short while when these statements have been photocopied. But we do know, and I can make a formal admission of the fact that on Wednesday, 21st of October, 1970 ...

G HIS HONOUR JUDGE STROYAN: Just a moment. Wednesday ...?

MR. RIVLIN: 21st of October, 1970.

HIS HONOUR JUDGE STROYAN: Yes.

H MR. RIVLIN: A Detective Sergeant as he then was. He is now a much more

senior officer, John Marsden, took two tapes, Tapes Numbers 3 and 4, and Tape Number 3 is relevant in our case ...

HIS HONOUR JUDGE STROYAN: Yes.

A MR. RIVLIN: Well, it is JDM3, but he took two tapes to Mr. Hyde for examination at the Joint Speech Research Unit, and brought them back the same day. I can read the statement if necessary.

B We also know, Your Honour, that on the 22nd of March of 1977, Detective Superintendent (Paul Bridge?) opened up the box to make sure that all was in order. And another officer in 1978 acted in a similar fashion; and so I don't want Your Honour to think that no-one has ever looked in that box over the years, because our information is that on very rare occasions, that has happened.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And we have got statements where appropriate.

HIS HONOUR JUDGE STROYAN: Yes.

C MR. RIVLIN: And I am happy to make formal admissions of those facts, and I shall, in due course, let the defendant have such photocopies as I am now obtaining, of the two or three witnesses who talk about that.

HIS HONOUR JUDGE STROYAN: Yes. Well, I think the defendant has, at all events, mentioned Detective Sergeant Marsden at an earlier stage already.

D MR. RIVLIN: He has, and I have already told the defence that I am willing to read his evidence to the court, and give you a copy of it, and I think that is going to be admitted evidence.

HIS HONOUR JUDGE STROYAN: Yes. Well, no doubt the defence will want a little time to think about that.

E MR. RIVLIN: I make the observation in the light of the evidence of Officer Vernol that to his knowledge no-one has looked in the box, but to our knowledge one or two people have. And I now recall Mr. Mounter for cross-examination. And Your Honour, if I may assist, and I hope it does. On Thursday afternoon, at about 4.20 p.m. when the court rose, you invited the defendant to put to Mr. Mounter what, at our invitation, precisely what he said that Mr. Mounter had done which was wrong, and the way in which he had done it.

F HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: And we had agreed an appropriate way of doing that, might be to take him through the transcript of the tapes and point out those passages that are said to be false.

HIS HONOUR JUDGE STROYAN: Yes.

G JULIAN d'ARCY MOUNTER

Cross-examination by the Defendant Symonds Continued:

H HIS HONOUR JUDGE STROYAN: Mr. Symonds, I hope your cross-examination will follow the cross-examination of the last witness, during which you only asked relevant questions, and I congratulate you on it. Yes.

DEFENDANT SYMONDS:

Q. Mr. Mounter, on the 28th of November, 1969, did you go to New Scotland Yard with a colleague of yours? - A. I did, yes.

A Q. Did you take to New Scotland Yard, two parcels? - A. I can't remember how many parcels, but I took some documents and the tapes, yes.

Q. These parcels contained a number of statements, and a number of copy tape recordings? - A. That is so.

Q. And also, I believe, a proof of the following day's newspaper? - A. That is so, yes.

B Q. Did your arrival arouse some interest in New Scotland Yard? - A. Yes, it did.

Q. Did a number of senior officers gather? - A. Yes.

Q. Do you remember the name Commander York? - A. No, I don't.

C Q. Chief Superintendent Lambert? - A. Yes I do.

Q. Detective Sergeant Hadwell? - A. No.

Q. Were your parcels opened in the presence of senior officers? - A. Yes.

Q. And were the contents carefully examined? - A. Not in front of me, no.

D Q. Were they documented in front of you? - A. I can't remember whether they were, or not. I think a receipt was signed, but I don't remember them being carefully examined at that stage.

Q. Did you make a statement that evening in respect of the items of evidence you had handed over? - A. I can't remember whether I made a statement at that time.

E Q. Will you look at statement, a statement you made on the 28th of November at New Scotland Yard?

HIS HONOUR JUDGE STROYAN: Have I got this?

MR. RIVLIN: I don't think so, Your Honour. We are going to get copies of it now.

F Your Honour, my first statement, the first one I have is dated 19th of December, and so is that of Sergeant Stone. I think the date put by the defendant was the 28th of November?

HIS HONOUR JUDGE STROYAN: Yes.

G DEFENDANT SYMONDS: My Lord, I have a statement here, a copy of a statement, in fact undated, but Paragraph 3 of the statement says: "Yesterday, after my office telephoned Scotland Yard at about 8.15 p.m., I came with my News Editor, Mr. Webb, to New Scotland Yard at 10.00 p.m."

I understand this statement was made in the early hours of the morning, which would be on the 29th.

H MR. RIVLIN: If the defendant would be so kind as to let me have a look at it, we can see if we can trace it. We will do our best to trace it, Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Perhaps the defendant could continue by putting any proposition he wishes.

HIS HONOUR JUDGE STROYAN: Yes Mr. Symonds, what do you want to put about that statement, while we are waiting for the copy to come?

DEFENDANT SYMONDS:

Q. Do you recall the statements that you took to New Scotland Yard on that day? - A. Yes, I do.

Q. The statements in front of you that originally, I think they were statements made to the Times. Were they amongst the documents offered in evidence? - A. Yes. I think I sent copies of those to Scotland Yard.

Q. Did you show them your notebook, or a copy of it? - A. No.

Q. Did the bundle of statements include the statements by other members of The Times staff? - A. Yes, they did.

Q. Can you recall if the statements included a statement by Miss Woore? - A. Yes, I believe they did.

Q. Was that a copy, or the original? - A. I can't remember whether we handed over the originals of the statements at that time, but it would have been one or the other.

Q. Did the bundle include a statement by Miss Ann Dippy? - A. Yes, I believe it did.

Q. And did certain of the senior staff members of The Times make statements about this matter, for example, the News Editor, Mr. Colin Webb? - A. Maybe. I don't think so, but it maybe that he did.

HIS HONOUR JUDGE STROYAN:

Q. Did Mr. Webb have any part in the enquiry? - A. Not really. He played the tapes from time to time.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Was the statement made by Miss Woore that you handed into the custody of the police, a statement in reference to her custody of the tape recordings? - A. It would have been. Yes. Miss Woore, Miss Dippy, and I think maybe others, I am not sure, were asked to make statements for us, to say they had not in any way interfered with tapes, in any way.

Q. Would you look, now, at a copy of a statement made by Miss Woore, which you handed into police custody on the 28th of November?

HIS HONOUR JUDGE STROYAN: I think this is not a document which is before the court.

MR. RIVLIN: The only statement that we have is the statement that has already been produced to the court.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: Yes.

DEFENDANT SYMONDS:

A Q. Would you now please look at a statement made by you in the early hours of the morning of the 29th?

MR. RIVLIN: Your Honour, if you need to have a copy of this, we can provide you with one.

HIS HONOUR JUDGE STROYAN: Thank you.

B DEFENDANT SYMONDS: I wonder if Your Lordship could be provided with a copy of the statement, because I intend to go into one or two details.

HIS HONOUR JUDGE STROYAN: Well, it is not evidence, of course. The evidence is what is said about it. If you want me to look at a copy, I will.

DEFENDANT SYMONDS:

C Q. Do you recognise that statement, Mr. Mounter? - A. I don't. No. But I mean ...

Q. Do you recognise your signature? - A. It is typed here.

DEFENDANT SYMONDS: Oh. May Mr. Mounter be shown the original statement, please?

HIS HONOUR JUDGE STROYAN:

D Q. Just read it quickly. Is that a copy of the statement you made? -
A. I presume it is, sir. I don't remember that night very clearly. It seems to be.

DEFENDANT SYMONDS: I believe the witness said that he didn't really remember the statement, My Lord.

E HIS HONOUR JUDGE STROYAN: It is hardly surprising. Is the original going to help us much?

DEFENDANT SYMONDS: I think it might help the witness, My Lord, to see the original, and to recognise his signature upon it.

WITNESS MOUNTER: Yes. This is my signature.

F DEFENDANT SYMONDS:

Q. Do you now recall making the statement, Mr. Mounter? - A. I don't recall it, but it is my signature.

Q. If you made the statement, would Mr. Webb have been present? - A. I think he was with me all the time I was at Scotland Yard.

G Q. And would Mr. Lambert have been present, and other senior officers, when you made a statement? - A. I can't remember how many, but I presume they were, yes.

Q. Looking at the statement, if you would please, Mr. Mounter. Towards the bottom of the first page? - A. Yes.

Q. One parcel containing envelopes, and one of statements? - A. Yes.

H Q. Also two envelopes. One, a transcript of a tape recording; and one, a tape recording. This is of a meeting between Detective Sergeant Symonds

and Mr. Perry on October 28th? - A. Yes.

Q. Not: "One, a transcript". "Two envelopes, transcripts of tape recordings"?

HIS HONOUR JUDGE STROYAN: I think I had better have a copy.

DEFENDANT SYMONDS:

Q. Was there more than one meeting? This is rather important.

MR. RIVLIN: Mr. Mounter, you have been handed a photocopy, haven't you?

WITNESS MOUNTER: Yes, I have.

MR. RIVLIN: Would you let His Honour see that, and you look at the original.

HIS HONOUR JUDGE STROYAN: Where are we?

DEFENDANT SYMONDS: Page 1 of the statement, Police Reference 71, My Lord.

HIS HONOUR JUDGE STROYAN: Yes, I have got that.

DEFENDANT SYMONDS: Paragraph at the bottom of the page.

HIS HONOUR JUDGE STROYAN: Yes.

WITNESS MOUNTER: Sorry, the question? Sorry. What was the question?

DEFENDANT SYMONDS: I am just referring His Lordship's attention to it.

HIS HONOUR JUDGE STROYAN: Yes, I have read it now.

DEFENDANT SYMONDS:

Q. So, you handed the Detective Chief Superintendent Lambert two parcels containing the following. One parcel containing envelopes, one of statements by Mr. Gary Lloyd marked No. 1; and statements of original complainants, marked No. 2? - A. Yes.

Q. And complainants in the plural. Can you recall who the complainants were? - A. There were several. I don't know whether they referred to this case, or not, but several crooks made statements to us during that period.

Q. Statements by myself, marked 3; and a list of evidence available marked No. 4? - A. That is so.

Q. Now, Mr. Mounter, "Also two envelopes, transcripts of tape recordings taken of a meeting between Detective Sergeant Symonds and Mr. Perry". Now, first, 'transcripts of tape recordings taken of a meeting', and not meetings. Can you recall whether these refer to one meeting or several meetings? - A. No, I can't. I think you only had one meeting with Mr. Perry on that day, so it would be 'meeting'.

Q. Meeting. So really, it should have been 'statement'. Yes. Sorry. 'Transcript of tape recording'? - A. Well, I don't know whether this refers to all the transcripts, or whether we gave more than one copy of it. I don't know.

Q. This first envelope is marked No. 5, and I assume that Envelope No. 6 contained a tape recordings of this conversation? - A. That is what it says here. Yes.

A Q. Now, could you identify this tape recording again if you saw it, the copy tape recording? Did you make any mark on it to identify the occurrence, or was it just in an envelope marked such? - A. No. I mean, the boxes, as you know, were marked, and those were handed over in files actually, rather than envelopes I think. They were envelope files.

Q. If you look at Copy Tape 5? - A. Yes.

Q. Do you see any writing upon that tape? - A. Yes, it says: "Symonds, Detective Sergeant, The Grove, date October 31. Copy. Copied November 11, 1969." It is signed by Gary, and it looks as if it is in his writing.

... B Q. Can you return that, and look at Copy Tape 2, please? Copy Tape 2, I should have said My Lord. - A. That says: "October 28, 1969, Rose Public House". Something else, which I can't read. "Perry and Detective Sergeant Symonds", or, "D.S. Symonds". Inside it says: "Copy, October 28, 1969." It is signed by Gary. It also says: "Rose Public House, Camberwell; Perry, D.S. Symonds".

C Q. Do you recognise the handwriting on that tape and box? - A. I think I do. It looks like Gary's. Gary Lloyd.

Q. And therefore, was that how that ... Is that how the tape was identified by you when you handed it in to police custody? - A. I can't remember that.

Q. Referring to those markings? - A. I would presume it was. Yes.

D Q. Do you recall how many tape recordings you handed over to the police on that day? - A. No.

Q. I don't wish to go all the way through this, but this statement refers, in fact, to 14 tape recordings. Perhaps if you would care to look through it quickly, and tick them off on a bit of paper in your mind, you could agree to that?

E HIS HONOUR JUDGE STROYAN: I think I make it 12.

DEFENDANT SYMONDS: Maybe I could help you, Mr. Mounter, by going through with you. The first tape recording is referred to three lines up ...

WITNESS MOUNTER: I have counted 13. I may be wrong.

F HIS HONOUR JUDGE STROYAN: How is it going to help?

DEFENDANT SYMONDS: My Lord?

HIS HONOUR JUDGE STROYAN: On the originality.

DEFENDANT SYMONDS: The Times, My Lord, handed over on the 28th of November, 14 tape recordings.

G HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: Copies. Together with statements accounting for the copying of those 14 tape recordings. Miss Woore copies seven, in fact; and Mr. Hawkey copied seven. My Lord, there are now 15 original tapes, and another copy. There are now 15 copies, My Lord. This means that a copy has somehow appeared.

H HIS HONOUR JUDGE STROYAN: I am concerned, at the moment, with the originals

of Tapes 1 to 7.

A DEFENDANT SYMONDS: Yes, My Lord. The defence, My Lord, is that, as you will hear from the experts, is that the prosecution in this case have not, in fact, produced original tape recordings, and that some of the tapes offered as originals, are in fact copies.

HIS HONOUR JUDGE STROYAN: Well, I follow ...

DEFENDANT SYMONDS: Following the narrow line of this enquiry, My Lord, the burden of proof is on the prosecution to establish that the tape recordings offered as originals are in fact originals, or if they are copies there must be an explanation for this.

B HIS HONOUR JUDGE STROYAN: Yes, but the case so far is that ... I am concerned with Tapes 1 - 7 at the moment.

DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: The prosecution put it, those are seven original tapes.

C DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: What I am looking for now, is your evidence in support of your contention that those seven original tapes are not in fact originals.

DEFENDANT SYMONDS: Yes, My Lord.

D HIS HONOUR JUDGE STROYAN: Well, that is the sort of evidence I am looking for now. I am not looking for evidence about any of the others, do you see?

E DEFENDANT SYMONDS: Yes, My Lord. But you see, I am trying to show you, My Lord, that in some way, through some carelessness along the line, these tapes could have got mixed up, and in fact copy tapes are now offered as originals, which shows a certain carelessness of handling, My Lord, which is important from the aspect of continuity of handling.

HIS HONOUR JUDGE STROYAN: You can cross-examine him to show that the tapes 1 to 7 are not originals, but may be copies. You can cross-examine him to show that. That is your case, isn't it?

DEFENDANT SYMONDS: Yes, My Lord, for this enquiry.

F HIS HONOUR JUDGE STROYAN: Yes, for this enquiry. Yes. Well, can we stick to those tapes then? You are perfectly entitled to cross-examine him to show that Tapes 1 to 7 are copies not originals, if that is what you want to do. But I am not, at this stage, concerned with the other tapes. Do you see? You are perfectly entitled ...

G DEFENDANT SYMONDS: Yes, My Lord. But it is very difficult to restrict the matter to Exhibits 1 to 7 in view of the intertwined nature of the evidence, My Lord. This case and another one, the reporters recorded as one series, and they made their notes and marked the tapes.

HIS HONOUR JUDGE STROYAN: You see if you can help me. Do the best you can to help me on Tapes 1 to 7.

H DEFENDANT SYMONDS:

Q. Can you identify Copy Exhibit 2? - A. Yes. I just looked at this one, didn't I?

HIS HONOUR JUDGE STROYAN: Yes.

WITNESS MOUNTER: That is the same tape as I have just looked at.

DEFENDANT SYMONDS:

A Q. Did you hand this copy over to New Scotland Yard on the 28th of November? -
A. I really can't remember, Mr. Symonds, whether I handed it over,
or not.

HIS HONOUR JUDGE STROYAN: His last answer I have got is: "I don't recall
how many I handed over".

B DEFENDANT SYMONDS: How many.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: My Lord, I submit it is rather important, this point I
was enquiring after, My Lord. The fact that 14 tapes were handed over in
the first place, and ... Well, there are now 15, My Lord. I would like
to know where the extra tape came from, and when.

C Q. Mr. Mounter, do you recall handing over a further copy tape to police
enquiry officers at any stage? - A. I don't recall doing so, no.

D Q. Do you recall any form of enquiry from the police about another tape
recording? - A. No, I don't recall that. I recall handing over at
a later date, a small Grundig ... I don't know whether it was myself,
or Mr. Lloyd who handed them over, but there was some small Grundig
tapes which stayed in our possession after the rest of the tapes were
handed over, I believe. Because we considered they were very poor
quality, and we thought as on some of the meetings there were three
good quality tapes, they might not be wanting ... The police asked
for those, and they were handed over as well.

HIS HONOUR JUDGE STROYAN: Yes.

E DEFENDANT SYMONDS:

Q. When you eventually handed over the original tapes to the police, do
you recall any comment on the fact that you were handing over more
original tapes than you had handed over copy tapes? - A. No, I don't.

F Q. Is it correct you had taken no steps to copy the Grundig tape recordings
before handing over the quarter inch tapes, originals? - A. I don't
recall whether we did, or not.

Q. Copies? - A. I don't recall whether we handed over copies of Grundigs.
I don't think we did.

Q. If you look on Page 4 of your statement, second paragraph ...? - A. Oh
yes.

G Q. That will help you. - A. Oh yes.

Q. Do you recall when you eventually handed over the original Grundig
tape recordings? - A. No, I don't recall that. I recall that they
were handed over at a later date. I don't recall when.

Q. Do you recall when the Grundig tape recordings were eventually copied?
Were you present? - A. I don't think I was. I am not sure.

H Q. Is it a fact that up to this date, according to your evidence, one copy

had been made, and one only of each original tape? - A. Up until the time that they were handed over, that is so.

A Q. Is it to your knowledge that when the Grundigs were copied, three, and on occasion, five copies were made? - A. That is not in my knowledge, no.

Q. Do you recall going to the office of Charles Russell, and opening a box containing copy Grundig tape recordings and spools of tape, in the presence of Detective Chief Inspector Emmett? - A. I went to Charles Russell's a couple of times and opened the box, I think, during the enquiry, for various reasons, with police officers. I don't recall that occasion.

B Q. Do you recall ever being asked to explain why you had made three or five copies of the Grundigs? - A. I think there was a question. Whether or not it was an easy thing to copy the Grundigs ... Now, whether that meant that we did or didn't, I can't recall. But I have got a feeling that because they were on cassettes, that that question did arise, so I don't know. But it is possible that they were.

C Q. Is it possible that you explained at the time, that the extra copies were due to attempts to make clear copies? - A. That is possible, yes.

D Q. By playing the alleged originals through some form of machine, which would filter out extraneous noise? - A. I am afraid I don't know, Mr. Symonds. I can't remember. What I do remember is that we handed over those tapes which were other than Grundigs. I can't remember the copying process for the cassettes, or whether I was present or not, or what was involved.

Q. Do you recall that one of the Grundigs handed over as an original, had no marks on it whatsoever? - A. No, I don't recall that.

Q. You don't recall being questioned about that? - A. No, I don't.

E Q. Is it at all possible that one of the Grundigs handed over to the police, might in fact have been a copy? - A. I don't recall it. I suppose it is always possible if it wasn't marked.

Q. If it wasn't marked. Had it been your habit, throughout the course of the enquiry, to mark the tapes? - A. It was our habit, throughout the enquiry, to mark the original tapes. That is right.

F Q. So, when an unmarked Grundig is handed over as an original tape, and three or five copies had been made of that tape, using a machine to obtain a clearer recording, would you say it was at all possible that that Grundig was in fact one of the copies? - A. If ... If there was a Grundig which was not marked at the time we took it off, which I think is most unlikely, then it is of course possible.

G Q. Thank you. Were you present at the copying process on the 11th of November with Mr. Lloyd at Location Sound Facilities? - A. I don't recall it.

Q. Do you recall a lady being present, also? - A. I don't recall being there.

H Q. Were you responsible for copying all the tapes on a later occasion? - A. I think I said to you last time, last Thursday, that I have some vague recollection of going with Chief Inspector Duffy for the purpose of getting the second set of copies, but I can't be certain about that at all. I have been asked about it, and I can't really remember.

Q. Would this have been on the 2nd of December? - A. I wouldn't recall the date either.

Q. Do you recall looking at a copy of The Times tape, the second copy on Thursday or Wednesday? - A. Sorry?

Q. Do you recall looking at a copy of The Times tape? - A. No, I don't.

MR. RIVLIN: I hear the defendant ask where the Times tapes are. As I understand it, they are in the custody of the court, Your Honour.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Will you again look at Times Copy Tape 1, the second one?

HIS HONOUR JUDGE STROYAN: Times. How are those going to help?

DEFENDANT SYMONDS: My Lord, the tapes were copied, My Lord, at some stage; taken away before the originals were handed over to the police.

HIS HONOUR JUDGE STROYAN: We know The Times Copy Tapes are copy tapes. You are not suggesting that any of those are originals, are you?

DEFENDANT SYMONDS: No, My Lord, there is no suggestion of that.

HIS HONOUR JUDGE STROYAN: Then I don't think they can help. How are they going to help, Mr. Symonds?

DEFENDANT SYMONDS: My Lord, there is writing on The Times Copy Tapes which I believe Mr. Lloyd could not identify, and I would like Mr. Mounter to have a look at the writing on The Times Copy Tapes to see if he can identify his writing. Following on from that, My Lord, to discover in whose custody the original tape recordings were on this particular day. They must have spent many hours at Location Sound Facilities.

HIS HONOUR JUDGE STROYAN: I can follow the relevance if your suggestion is that The Times Copy Tapes are not in fact The Times Copy Tapes, but are the originals.

DEFENDANT SYMONDS: I am not suggesting that, My Lord. As a matter of handwriting, I think any tape recording will do.

Q. Would you look at a tape recording from the Times copies? - A. Yes.

Q. Do you see writing upon the box? - A. Yes, I do.

Q. Do you identify that writing? - A. I don't think it is Gary Lloyd's, but I cannot be certain. It is certainly not mine.

Q. Was Mr. Lloyd present on the 2nd of December when these tapes were copied? - A. I can't remember the occasion, I said, Mr. Symonds. I don't really remember anything at all clearly, really, after the investigation had ...

Q. Could some other person have taken these original tape recordings away from the Times, to have the whole lot copied? - A. I don't think so. I seem to remember that there was a great deal of discussion between the police and The Times about the methods by which the originals should be duplicated for a second time. I would have thought it was done under great care. I don't know whether I was there, or not. As I say, I have some recollection of going to Location Sound with Chief Inspector Duffy, but you would have to ask him whether that was so.

It is very, very hard to remember.

A Q. Could that be Chief Inspector Duffy's writing on the box? - A. It could be. It could be. I would imagine that also at the time, that if they were copied there - I can't remember for certain - then there will have been somebody checking the copy, because I would not have been able to work the tape recorders, nor would Chief Inspector Duffy. So, it maybe that person's handwriting.

Q. Do you notice how the name Symonds is spelt on those boxes?

HIS HONOUR JUDGE STROYAN: Well, I don't know ...

B DEFENDANT SYMONDS:

Q. The thing is this, the paper had been published nearly a week by then, with my name spelt 'S-I- ...'? - A. This tape has none. Perhaps, if you are going to ask me that, perhaps I ought to look at all the tapes?

C MR. RIVLIN: This is pure time-wasting. On Thursday afternoon we were able to know that this man was being accused of dishonesty, and that we were going to hear what he was accused of; and (rooting?) through tapes which are generally agreed to be copy tapes is, in our submission, pure time-wasting.

D HIS HONOUR JUDGE STROYAN: I confess, I have difficulty in following the suggestion. What possible help am I going to get from these tapes? If you were suggesting that they were the originals, and not the copies, then I could understand it, but you have said two or three times that that is not so.

E DEFENDANT SYMONDS: My Lord, the prosecution evidence is that these reporters made these tape recordings, and took them away with them, and locked them in a heavy steel safe in The Times Building, and thereafter guarded these tapes as bullion. They never left their possession at all. And when they were copied on one occasion by Miss Woore, that was in fact the only occasion that the tape recordings went out of their possession. This is the attempt of the prosecution to prove continuity of handling, My Lord.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: And that is the evidence.

F HIS HONOUR JUDGE STROYAN: I think you have got hold of the wrong end of the stick. What I am concerned with, is the continuity of handling, not of The Times copies, but of the original tapes. It is not going to help me to hear about The Times copies.

G DEFENDANT SYMONDS: My Lord, I would suggest, in order for the Times copies to have come into existence in some way, unless they were copied from the police copies, the evidence which is they were safely locked up in Scotland Yard at that time, the copies must have been made from the originals. Now, My Lord, who took the originals to Location Sound Facilities, and were there all day having them copied. There is a possible break in continuity, My Lord.

H MR. RIVLIN: Your Honour, we have had the evidence of Mr. Hawkey on this, that he copied them under controlled circumstances. We have also had the evidence - although I accept it is not very specific evidence - from Mr. Mounter that he recollects, or appears to recollect, going along with some other person possibly, now Commander Duffy, to have these copied for The Times.

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: But I go back to what I said last week. It seems to me there may be a misunderstanding on behalf of the defence, as to what 'continuity' apparently means, and what its significance may be.

HIS HONOUR JUDGE STROYAN: Yes. I think that may be so.

MR. RIVLIN: Because, Your Honour, it may assist the defendant to know this. This would be our submission. That even if ... Even if we could not say who has had custody of these tapes all these years, which we certainly can. But even if we could not, if we could call witnesses to say: "These are the original tapes, these are the marks on the tapes"; that they have listened to the tapes, and the tapes have the same content as they had when they were heard as soon as they had been taken; then continuity goes for nothing. We have proved that they are the originals and authentic, and that is it. And if it is in the defendant's mind ... If it is in the defendant's mind that we have to account for every year, month, week, day, minute and second of possession of these tapes since 1969, in our submission he is quite wrong about that. We don't.

HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: We have to prove, through calling evidence to satisfy you, that these are the original and authentic tapes, and continuity of handling assists us to do that. But it isn't, as it were, the end of the story.

HIS HONOUR JUDGE STROYAN: No.

MR. RIVLIN: It is only a part of the story, and a part that I would have thought, with great respect, having regard to the nature of the evidence we have been able to call hitherto, that must be subsidiary to the main evidence.

HIS HONOUR JUDGE STROYAN: Yes. Do you follow that, Mr. Symonds?

DEFENDANT SYMONDS: I understand what the prosecuting counsel is saying. It is, of course, only a submission; and I would submit that he is quite wrong of course, but I ask Your Lordship to notice that whenever I get near to a point which appears to be about to expose a glaring breach in the prosecution case of continuity, the prosecuting counsel leaps to his feet and accuses me of either making false and horrible allegations, or attempting to waste the court's time.

HIS HONOUR JUDGE STROYAN: Just tell me what the horrible allegation is that you are approaching, and you shall make it. I shall be glad to hear it.

DEFENDANT SYMONDS: My Lord, it is a burden upon the prosecution.

HIS HONOUR JUDGE STROYAN: Never mind that. I understand that. You have spoken to me several times on that. What is the glaring and horrible allegation you are now getting near? I am interested. I want to hear what it is.

DEFENDANT SYMONDS:

Q. The glaring and horrible allegation, Mr. Mounter, which I am leading up to, is that maybe someone, not you and not Mr. Lloyd, took these tapes away from The Times Building on the 2nd of December, and had them in their custody for many hours, while you or Mr. Lloyd were not present? - A. I think it most unlikely. But I really can't recall. The problem is that it is so long ago. What I do know is that we were

being very very careful at all stages. That is why the police were first handed copy tapes, and why The Times insisted on going through all this performance of having a box locked up in Hoares Bank. It was treated with considerable respect. For that reason, I think it most unlikely; but, as I say, I can't at this stage, recall.

A Q. Will it be true to say that by the 2nd of December, you knew how to spell my name properly? - A. If you say so. I can't remember.

Q. Well, you had written a newspaper article with my name appearing several times. - A. Then we would have got it right.

Q. In that case, why would you mis-spell my name?

B HIS HONOUR JUDGE STROYAN: Mr. Symonds, I have told you a number of times.

DEFENDANT SYMONDS: If Lloyd and Mounter had been present, they would have spelt my name right.

HIS HONOUR JUDGE STROYAN: You have got better points than the spelling of your name.

C DEFENDANT SYMONDS: Could it be, maybe, that Mr. Lloyd and Mr. Mounter were not present?

HIS HONOUR JUDGE STROYAN: The glaring and horrible allegations that somebody - not this witness and not Mr. Lloyd - took the tapes from The Times Building and had them for a number of hours ...

D DEFENDANT SYMONDS: That was an allegation I was forced to make; a glaring and horrible accusation (inaudible) I submit the prosecuting counsel is making against me every time I make a point.

HIS HONOUR JUDGE STROYAN: I have given you an opportunity to make your allegation, and you have made it. Am I to understand from that, when you are suggesting that somebody - not this witness or Lloyd - took the tapes from The Times custody, are you not now suggesting that this witness has tampered with the tapes?

E DEFENDANT SYMONDS: No, My Lord. What I am suggesting is this. Is that, at some stage, Mr. Mounter and Mr. Lloyd had some advice from some source to the effect that they should pool their evidence together, and that they should make notes and/or statements to show to the police officers who would investigate this, that there had been continuity of handling, and that tapes had been kept in a safe place.

F WITNESS MOUNTER: May I answer that, sir?

HIS HONOUR JUDGE STROYAN: Yes.

G WITNESS MOUNTER: That is absolutely untrue. The fact of the matter is that in the early days, when we were just trying to find out whether Mr. Perry was telling the truth or not, we did not have a very clear system. As soon as we realised - we both had been local journalists sat in courts for a great deal of time, and we knew how important this was - and we treated those tapes with great respect, and all the evidence, and at no time did I have any advice as to how to conduct the investigation, other than from my editor.

HIS HONOUR JUDGE STROYAN: Just a moment.

H DEFENDANT SYMONDS: Did Mr. ...

HIS HONOUR JUDGE STROYAN: Just a moment. On Thursday you were saying that this witness had altered or tampered with the tape recordings, in the sense that he had added or removed some words from it.

DEFENDANT SYMONDS: Yes.

A

HIS HONOUR JUDGE STROYAN: Now, may we have what you are suggesting against him?

DEFENDANT SYMONDS: You are cutting me off this line of questioning, is that right, My Lord? You wish to finish with it. Because now we are turning to something quite different, and we need to play a tape recording and get out the transcripts.

B

HIS HONOUR JUDGE STROYAN: No we don't need to play a tape recording. We need to look at the transcripts.

DEFENDANT SYMONDS: I suggest it is very difficult to do this without playing a tape recording.

C

HIS HONOUR JUDGE STROYAN: You have got experts who have advised you about this. I understood your case to be, as you stated it on Thursday, that this witness had tampered with the tape recordings. That is what you said on Thursday. Are you still saying that?

DEFENDANT SYMONDS: Yes, My Lord. I would like to ask this witness one question.

D

Q. Mr. Mounter, at any stage, did Mr. Hawkey offer to edit these tape recordings for you? - A. Absolutely not.

Q. Certainly not. Do you recall ever saying ...

HIS HONOUR JUDGE STROYAN: Just a moment. Yes.

DEFENDANT SYMONDS: Was it: "Most certainly not"?

E

HIS HONOUR JUDGE STROYAN: The suggestion by you was that Hawkey offered to edit the tape recordings. The witness's answer was: "Absolutely not".

DEFENDANT SYMONDS:

Q. Absolutely not. Are you sure? - A. Yes, I am sure. I could not possibly think that he would have done such a thing.

F

Q. The question was: Did Mr. Hawkey ever offer to edit these tape recordings? - A. My reply was: Absolutely not.

Q. Do you recall ever giving a different answer to a similar question on a previous occasion? - A. No, I don't.

Q. Do you recall referring to me as a 'shit'? - A. Yes, I do remember that there is ... If you are referring to ...

G

Q. Please answer the question 'yes' or 'no'. Do you recall referring to me as a 'shit'? - A. I remember that at the end of one tape, there are some references by me which are not in the (inaudible) language, that is so.

H

Q. Do you recall calling me a 'bastard'? - A. I don't recall it. I have just answered the question. I remember making some reference to you which was not in very pleasant language.

Q. And do you recall Mr. Hawkey offering to remove these offending words? -

A. I don't recall that, but if he did I would most certainly have said 'no'; and that does not, in my book, amount to editing the tapes in the way you are suggesting. But I would not have let him touch those tapes at all, nor Mr. Lloyd.

A Q. You answer to that is that if you had removed such offending words, you would not regard it as editing, is that right?

HIS HONOUR JUDGE STROYAN: He said he wouldn't have allowed it.

B WITNESS MOUNTER: I said I would not have allowed it; but in the way you referred to it, and you asked me a question, you were referring to what you meant as editing the tapes, i.e., altering what you had said. Now, the fact is that neither happened, and nothing was removed, or added, and nor would we have allowed it to be.

HIS HONOUR JUDGE STROYAN: Now, Mr. Symonds, can we get on to those parts of the transcript which you say he has altered?

C DEFENDANT SYMONDS: My Lord, I am not sure you are allowed to do this, My Lord. You are starting to mess me about again. I am trying to struggle through in some sort of order, and you keep jumping me about from here to there; and when I attempt to go back to what we were previously talking about, you rule it out. I would like to go through this witness's ...

D HIS HONOUR JUDGE STROYAN: I have a duty to keep to the point in this, as in any other case. I have to remember that there is public time and money involved. I have to remember that you are not the only prisoner on trial in these courts. There are other people awaiting trial. It is for that reason it is necessary to get on with the thing, and to stick to relevant matters.

DEFENDANT SYMONDS: I would also like Your Lordship to remember I was kept waiting two and a half years for a trial date, and I have just been kept ten months in custody, in solitary confinement, and I think the court can wait a few minutes for me to ask one or two matters in relation to my defence.

E HIS HONOUR JUDGE STROYAN: You ask the questions, and I shall decide whether they are relevant.

DEFENDANT SYMONDS: Would Your Lordship tell me which questions I have asked are not relevant?

F HIS HONOUR JUDGE STROYAN: I am not going to indulge in an argument with you. You have made some serious allegations against this witness. You made them on Thursday. It is right that he should have an opportunity of answering them, and I would like you to give him that opportunity.

DEFENDANT SYMONDS: I would rather make the allegations at the right time, My Lord, after I have extracted certain matters I wish to extract, and then make an allegation.

G HIS HONOUR JUDGE STROYAN: You ask the next question, and I shall rule on whether it is relevant. You cross-examined Inspector Vernol in a perfectly sensible way, and I didn't interrupt you at all.

DEFENDANT SYMONDS: I suggest I cross-examined Inspector Vernol in a sensible way, possibly because I wasn't interrupted.

H HIS HONOUR JUDGE STROYAN: I have been giving you a great deal of latitude, not only last week, but also to-day. Can we get on?

DEFENDANT SYMONDS: I find it rather ironic, I was sent up here by a High

Court Judge to get a fair trial, because this is not fair.

A My Lord, my mind follows a certain pattern along certain aspects, and I have certain questions in mind, and I am not questioning from notes, My Lord, and when you interrupt me, I lose track completely. It might well lead to a miscarriage of justice in some way, in not asking questions as I should have asked.

My Lord, I will ask for a ten minute adjournment to sort out my mind on what has been happening, and to sort out my next lot of questions.

B HIS HONOUR JUDGE STROYAN: I will rise for a very short time. You have been cross-examining this witness for a very long time already, and on a number of matters which are completely time-wasting. I am perfectly prepared to allow you to cross-examine on relevant and admissible matters, and I am going to ask you to devote your questions to such matters.

C I remind you again that what I am concerned with are tapes, Exhibit Numbers 1 to 7; and what I am particularly concerned with is the allegations you have chosen to make against this witness that he has in some way altered those tapes. It is right you should give him an opportunity of meeting those allegations. I will rise for a few minutes.

Short Adjournment

D DEFENDANT SYMONDS: My Lord, the prosecution have played ... Have produced a number of tape recordings, My Lord, and only played some of them; and I would like, during the course of this enquiry, My Lord, for you to hear some of the other tape recordings which the prosecution have not played.

HIS HONOUR JUDGE STROYAN: Well ...

E DEFENDANT SYMONDS: And I would like to take this opportunity for Mr. Mounter to listen to, for example, Tape 3B, checking it against the transcript of the tape, of the Times transcript. And similarly, My Lord, to listen to one of the other tapes re the 21st. At the moment, you have heard Tape 5 in respect of the 31st. I think this would be a good opportunity to hear some of the so-called 'back-up' tapes.

F HIS HONOUR JUDGE STROYAN: I haven't got to decide about this at the moment. I have heard what is on the tapes. It may be right, it may be wrong, but I have heard what is on the tapes. I am only concerned with a prima facie case, now.

DEFENDANT SYMONDS: My Lord, I would submit that each tape is of equal importance in this case.

HIS HONOUR JUDGE STROYAN: I can't tell the prosecution how to run their case. I can't tell you how to run yours. The prosecution have chosen to put their case in a certain way. Well, that is what they have done.

G DEFENDANT SYMONDS: The prosecution hope to carry through an exhibit just by someone reading off the label, My Lord. I think it should be played, and I think that it should be checked against the transcript, because ...

HIS HONOUR JUDGE STROYAN: What is the point you want to make?

H DEFENDANT SYMONDS: I would like you to hear the other tape recordings in this case, and I would like to take this opportunity to play one of them for Mr. Mounter to hear.

HIS HONOUR JUDGE STROYAN: Well, Mr. Mounter has heard the tapes that I have heard. You were here when he did it.

DEFENDANT SYMONDS: Yes, but other tapes in the case, I think it is only right that all the exhibits should be heard. At the moment, they carry a lot of weight. We are told: "This is a back-up", or "This is identical". That is not enough, My Lord.

HIS HONOUR JUDGE STROYAN: I have heard the evidence which the Crown has put before me. Whether it is enough, or whether it is not enough, I may have to decide in due course. I am not having to decide it now. I am having to try the case on the evidence which is put before me. You want to play which tapes, 3 ...?

DEFENDANT SYMONDS: 3B, My Lord.

HIS HONOUR JUDGE STROYAN: Well, what is the purpose of that?

DEFENDANT SYMONDS: Well, some things appear on the tapes offered by the prosecution as evidence, which do not appear on the other tapes. My Lord, this is of great interest.

MR. RIVLIN: Your Honour, may I try and help? If the defendant is saying that there are words that appear on one tape, or noise which appear on one, that are not heard on the other, it maybe that he can assist the court in one of three ways. Either, by referring you to the transcripts, because we have got transcripts, not merely of the tapes we played, but of all the tapes as the defendant well knows; or alternatively, if the defendant says: "Now look here, there is something on this tape that really doesn't appear at all on the first one. It is quite different", by inviting Your Honour to listen to that variation of it, or to the whole tape if it is necessary; or alternatively, when he calls his evidence - and he has got expert evidence to call, we know - his experts can tell Your Honour on his behalf, which parts of the tape differ, if they do, from any parts on Tape No. 5.

Your Honour, the last thing that I am about to do now, is to shut the defendant off from asking Your Honour to listen to the tape, if he feels that he can usefully point to Your Honour, some place on that tape which shows that it has been tampered with. I suspect, Your Honour, that if he has got any points, it is likely to be on words, when he can refer Your Honour to transcripts; or it is likely to be on the type of the evidence which he proposes to adduce on his own behalf. And Your Honour, the difficulty is, of course, that if he is going to ask us to listen to 3B, which he is entitled to do, it is really important we should know what he is going to invite Your Honour to listen to, so that your mind can be directed to the point that is being made. And if it is a point that can be covered on the document, or by his expert evidence, then of course it will take so much less time, won't it?

HIS HONOUR JUDGE STROYAN: Yes, Mr. Symonds, it seems to me, looking at the matter sensibly, if there is something wrong with the tapes, your experts are going to be the people who can best point it out to me. Isn't that right?

DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: It seems sensible that if you want me to listen to Tape 3, the best time to do that is when you have got your expert in the witness box, who can say: "Stop, there is something of significance there". Do you see?

DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: This witness is not an expert on tapes.

DEFENDANT SYMONDS: No, My Lord.

HIS HONOUR JUDGE STROYAN: Now, isn't that the best way of dealing with it?

DEFENDANT SYMONDS: Yes, My Lord. I agree absolutely, My Lord, one hundred per cent. You see, My Lord, I am under great pressure to point out to Mr. Mounter exactly where I say the tapes have been fiddled with, My Lord, and now there is a big ... The other side of the coin now, My Lord, is that we should not play the tapes until the experts come, so I am at a bit of a loss what to do. I would like to cross-examine Mr. Mounter on some things which have come to my notice.

HIS HONOUR JUDGE STROYAN: I am afraid you have got hold of the wrong end of the stick, again. If you are going to point out to this witness somewhere where he has tampered with the tapes, then of course you must do so. Is that what you are proposing to do?

DEFENDANT SYMONDS: That is what I had in mind, My Lord. I was proposing to do this later, when the experts could perhaps back me up, from your idea for the experts to say: "Yes, there is a break here. The machines show that, in fact, show that the tape does appear to have been edited here". There is just one thing. I have not heard ...

HIS HONOUR JUDGE STROYAN: If you want to put to this witness that he has interfered with Tape 3B, and you are going to point out the places in which he has done so, then let's do it.

DEFENDANT SYMONDS: My Lord, I have not heard these tapes since 1970. The ones I have heard in court a couple of months ago, where a similar procedure was followed. I would ask that before we go too far into pointing out exact points in the tapes, I could have an opportunity of listening to the tapes again, perhaps after the court has risen, or before the court sits tomorrow morning before I (launch?) into discussing the tapes and aspects of the tapes.

HIS HONOUR JUDGE STROYAN: But you have had your experts on this job for a long time.

DEFENDANT SYMONDS: Yes, My Lord, but ...

HIS HONOUR JUDGE STROYAN: What I am concerned with is, if you are saying that this witness - and I think you are saying - has tampered with one of the tapes, it is right he should have it put to him, and that is what I understand you to be wanting to do, and you shall do it if you want to.

DEFENDANT SYMONDS: Well, I should ask Mr. Mounter if he recalls that on the 31st there was a photographer present.

WITNESS MOUNTER: I remember having a photographer present.

HIS HONOUR JUDGE STROYAN: Is that 31st of October, 1969?

DEFENDANT SYMONDS: Yes, My Lord.

WITNESS MOUNTER: I remember having a photographer present on one of the meetings. I am not sure whether it was October 31st, but I do remember ... I think, at more than one meeting, actually.

DEFENDANT SYMONDS:

Q. And if he recalls that this photographer was, in fact,^a Mr. Pridmore? -

A. I don't recall his name. Actually, I do recall that name 'Mr. Pridmore', but there was also Warren somebody or other; so there were two occasions when there were photographers there, unless there were two photographers there at the same time.

A Q. And if Mr. Pridmore was being driven by a hire car proprietor? - A. I don't recall it.

DEFENDANT SYMONDS: The answers "I don't recall" ... I could put statements this witness has made, to him My Lord at this stage, to refresh his memory, because this knocks the bottom out of the point I am going to make, because the last three answers are: "I don't recall".

B HIS HONOUR JUDGE STROYAN: That is hardly surprising.

DEFENDANT SYMONDS: It is because I am trying to rush through something in two or three minutes, which normally I would have been trying to make clear to the court.

C HIS HONOUR JUDGE STROYAN: You have been cross-examining for a matter of days, not minutes. Now, can we go to the tape, if you want it to be 3B, which you say this witness has tampered with? That is what you want, isn't it? You asked if you could play 3B.

DEFENDANT SYMONDS: Yes.

HIS HONOUR JUDGE STROYAN: Well, let's have it. We had better have the relevant part in the transcript, so that we can all follow it. Which transcript?

D DEFENDANT SYMONDS: Mr. Mounter took part in preparing The Times transcript, My Lord. Perhaps it would be right for Mr. Mounter to refer to the transcript he helped prepare, Exhibit 35B.

HIS HONOUR JUDGE STROYAN: 35B, I think, is the police transcript.

DEFENDANT SYMONDS: 35D.

E HIS HONOUR JUDGE STROYAN: 35D is the Times transcript.

MR. RIVLIN: This just won't do, Your Honour. I have got 35D. The position is this. That we have got a transcript of one of the tapes transcribed on 35D, but we don't know which one it is. Mr. Symonds will see that it is Pages 5 to 16. What we do have, and what we do have proved, are the police transcripts which has 3B specifically transcribed on Pages 18 to 28, and that is Exhibit No. 35B.

F HIS HONOUR JUDGE STROYAN: 35 ...?

MR. RIVLIN: 35B. We have 3B specifically transcribed on Pages 18 to 28.

HIS HONOUR JUDGE STROYAN: Page 35?

G MR. RIVLIN: Page 18. It is a 72 page bundle, and Page 18 is the first page of 3B. I wonder if Mr. Symonds can perhaps find that?

HIS HONOUR JUDGE STROYAN: Yes, 35B.

MR. RIVLIN: Yes. Do you have it? Do you have the index at the front, Your Honour?

H HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: You can see there: "3B, Meeting of 31st at Grove, Page 18".

HIS HONOUR JUDGE STROYAN: Yes.

MR. RIVLIN: It will take a little time to find the start of the speaking, Your Honour, because we don't have any readings so far as this tape is concerned, time readings.

We are ready when Mr. Symonds is ready.

DEFENDANT SYMONDS: Might I enquire if the witness has a copy of this?

WITNESS MOUNTER: I do.

DEFENDANT SYMONDS:

Q. Mr. Mounter, when you made your transcripts, did you make your transcript from the best tape recording? - A. I would presume so. I can't remember.

HIS HONOUR JUDGE STROYAN: Very well, off we go.

DEFENDANT SYMONDS: My Lord, I haven't marked this copy up yet. My Lord, this conversation lasts five or ten minutes. Perhaps we could play the conversation through?

HIS HONOUR JUDGE STROYAN: Yes, we are playing it through, starting at Page 18.

DEFENDANT SYMONDS: And I would like Mr. Mounter to check this conversation against the transcript.

Tape 3B played

DEFENDANT SYMONDS:

Q. Mr. Mounter, were any alterations, at all, made to this tape recording? - A. Absolutely not.

Q. Do you recall a conversation on this tape recording about a photographer? - A. No.

Q. No reference at all to a photographer? - A. No.

Q. Do you recall a photographer walking past, in front of the car, on that day? - A. I know that a photographer did walk past and photograph the car on some occasions. I can't remember when.

Q. Could it have been on that occasion? - A. It could have been on that occasion.

Q. And if that had happened, would it have been likely that some comment would have been passed? - A. To whom?

Q. By the occupants of the car being photographed?

HIS HONOUR JUDGE STROYAN: I don't think he can answer that question.

DEFENDANT SYMONDS: Under the alleged circumstances ...

HIS HONOUR JUDGE STROYAN: They might not have been looking.

DEFENDANT SYMONDS:

- A
- Q. Were you aware that Mr. Lloyd had been engaged in previous investigations into alleged police corruption? - A. Yes, I am aware that Gary Lloyd had made some enquiries previously.
- Q. Were you aware that his previous enquiry into police corruption had been stopped? - A. I am not aware of that.
- Q. It was not completed? - A. Many, many investigations are not completed.
- Q. Was his previous investigation not completed because The Times management considered it would have been dangerous to continue the investigation? - A. I would think it was because The Times and Gary Lloyd did not feel they had enough evidence to continue. Yes.
- B
- Q. Could it have been because it appeared that the persons under observation on that occasion had become aware of the observation? - A. I don't know about that. I only know what Gary has told me about other cases he has been involved in, second hand, and very sketchily.
- C
- Q. If that had been so, and a photograph had been taken on this occasion by a photographer walking closely in front of the car, and a comment had been made and recorded on tape about that photographing session, would The Times management have become unsure about authorising you to continue the investigation? - A. I am sure it would have had nothing to do with it.

D

HIS HONOUR JUDGE STROYAN: I don't really see how he can answer it. You can certainly put to him, if you wish, this witness had deleted something on the tape about a photographer. Is that the case?

DEFENDANT SYMONDS:

- E
- Q. Did you delete something from this tape recording about a photographer? - A. Gary Lloyd and I did not touch those tapes in any way at all, and nor, to my knowledge, did anybody else. We realised from the start it was imperative that those tapes were carefully looked after. I have said that very many times.
- Q. You agree there was no mention of a photographer on the tape recording you have just listened to? - A. I didn't notice it.
- Q. Referring to your transcript, do you see a remark: "Who is that"?

F

HIS HONOUR JUDGE STROYAN: What page?

MR. RIVLIN: Is it Page 3? Page 7, is it?

DEFENDANT SYMONDS: Seven.

MR. RIVLIN: I am sorry. See if I can help.

G

HIS HONOUR JUDGE STROYAN: Pages 18 onwards.

MR. RIVLIN: Yes. I have found the reference on Tape 5 to "Who is that?" I think it might be at the top of Page 20. Is that what the defendant is asking about, No. 28? -

WITNESS MOUNTER: Yes, I see, in Line 28.

H

DEFENDANT SYMONDS:

- Q. Look on the top of Page 20? - A. Yes.

Q. "Who is that?" - A. Yes, I see that.

Q. Could any alteration have been made to the tape recording at about that stage? - A. No alteration has been made by myself, or to my certain knowledge, no alteration would have been made by Gary Lloyd, or anybody else, for any reason.

DEFENDANT SYMONDS: I have other points marked, but I see no point in going through them all.

WITNESS MOUNTER: Mr. Symonds, if there were things on that tape which showed you were innocent, then we would have been very pleased. It would not have been a corruption we were discovering.

HIS HONOUR JUDGE STROYAN: Are there any other points at which you say this witness has tampered with the tape.

DEFENDANT SYMONDS: My Lord, there are a few, but I would like to confer with my experts before I put these.

HIS HONOUR JUDGE STROYAN: This witness will be gone by then.

DEFENDANT SYMONDS: Yes, I know, My Lord.

HIS HONOUR JUDGE STROYAN: I think it right, if you have any further points ... I have got that one, and I have got the point about the alleged deletion about something about a photographer. If you have got other passages ...

DEFENDANT SYMONDS: My Lord, that covers the serious allegations that you wanted me to put. Does that cover it?

HIS HONOUR JUDGE STROYAN: If there are other allegations, they ought to be ... Now is the moment to put them. You have just put these two, which I have noted. If you have any other similar allegations, you ought to put them now. You have just given him an opportunity to answer these two, and he has done so. If there are any others - I can see your point, but I think if you are going to suggest at a later date that this witness has either deleted something, or inserted something - I think now is the time to put it, as you have just done in the case of the two matters I have just mentioned.

DEFENDANT SYMONDS:

Q. Mr. Mounter, did you take any part in deleting chunks of Perry's conversation? - A. I have said repeatedly, it covers everything. I have not taken any part in deleting anything.

DEFENDANT SYMONDS: I see no point, My Lord, in carrying on like this. Mr. Mounter has said once or twice he has never deleted anything. He will obviously keep on saying that.

HIS HONOUR JUDGE STROYAN: What you are suggesting is deletions?

DEFENDANT SYMONDS: Yes, My Lord.

HIS HONOUR JUDGE STROYAN: Not additions?

DEFENDANT SYMONDS: I am suggesting to Mr. Mounter, at this stage, deletions; referring to the photographer particularly, items of Perry's conversation.

HIS HONOUR JUDGE STROYAN: Yes. "I am suggesting deletions with reference to photographer and Perry's conversations". I don't know whether there is a lot of point taking it any further, Mr. Rivlin, is there?

MR. RIVLIN: No. I am quite satisfied in the circumstances. We have got a pretty good idea now, of what the defendant is suggesting.

HIS HONOUR JUDGE STROYAN: Yes. Very well. Yes, thank you Mr. Symonds. You haven't anything else about this particular conversation?

DEFENDANT SYMONDS: No, My Lord. I understood I was obliged, at this stage of my cross-examination, to make a serious allegation.

HIS HONOUR JUDGE STROYAN: That's right. You have done it.

DEFENDANT SYMONDS: To make a point, and ...

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS: And now I would like to go back, My Lord, to these occasions of setting up tapes, and so forth. On the previous occasion, I am told I had got as far as the 28th I believe, or was it the 31st? Sorry, My Lord, I had got up to the 31st, but I have not yet attempted to cover the 21st.

HIS HONOUR JUDGE STROYAN: So far as the telephone conversation is concerned, I don't attach a great deal of importance to that. And so far as the subsequent conversation, recorded on October 28th ... It is, I think, of less importance than the one I have just listened to. Having said that, I don't think I could properly say anymore.

DEFENDANT SYMONDS: Yes, My Lord, but I had not got to the 21st.

MR. RIVLIN: That is the last one, Your Honour.

HIS HONOUR JUDGE STROYAN: The 21st.

DEFENDANT SYMONDS: I was on the 31st, My Lord, I believe, when we finished on Thursday.

HIS HONOUR JUDGE STROYAN: Yes. Very well, let's go to the 31st. I am so sorry, the 21st of November. Yes.

DEFENDANT SYMONDS:

Q. Mr. Mounter, do you have your notes and statement in front of you? -
A. No, I don't.

HIS HONOUR JUDGE STROYAN: Something about 21st on the last page at the bottom. It starts: "Arrive ...". Is that what you had in mind?

DEFENDANT SYMONDS: I have just been informed that, in fact, I had got up to just about the 30th, the morning of the 31st. I had not touched on the meeting of the 31st at all.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Mr. Mounter, do you recall, we were discussing the making of phone calls on the evening of the 30th. After you had monitored a meeting between Mr. Perry and Inspector Robson, you went to the house of Perry's brother. Can you find that, please? - A. On November 21st?

Q. On the 30th? - A. On the 30th.

Q. Yes? - A. Yes, I think. Oh yes. Yes. I am not sure about ... On October 30th?

HIS HONOUR JUDGE STROYAN: November 30th?

WITNESS MOUNTER: Sorry, November 30th.

DEFENDANT SYMONDS: October 30th.

HIS HONOUR JUDGE STROYAN: Which do you mean?

DEFENDANT SYMONDS: October 30th. The making of the phone calls from Mr. Perry's brother's house.

WITNESS MOUNTER: I don't recall going to Mr. Perry's brother's house.

MR. RIVLIN: Your Honour, the witness has, in fact, given evidence about this. He gave evidence about this on Thursday. He was asked a number of questions about the 30th of October.

HIS HONOUR JUDGE STROYAN: Yes, I remember you asking about conversation at Perry's brother's house.

DEFENDANT SYMONDS: My Lord, I am building up to when Mr. Pridmore and Mr. (Nunn?) brought recordings from The Times and gave them to reporters, which I recall asking Mr. Lloyd about, but I don't recall asking Mr. Mounter.

HIS HONOUR JUDGE STROYAN: Very well, you ask him about that.

DEFENDANT SYMONDS:

Q. Did you retain the tape recording made that evening, 30th, can you remember? - A. One of us would have retained it, yes.

Q. Do you recall going to a public house for a drink later on that evening, opposite Perry's brother's house? - A. No, I don't recall it, but I may well have done.

Q. Do you recall the first occasion you met Miss Millard? - A. I think I answered that last time. I remember meeting her, but I can't remember the occasion.

Q. Was it in a public house? - A. It may have been.

Q. In the evening? - A. No, I believe when I first met her it was in the morning, but I am not sure.

Q. Do you recall an occasion when you or Mr. Lloyd telephoned The Times offices and arranged for some tape recordings to be brought out to you at Beckenham? - A. I don't recall that, no.

HIS HONOUR JUDGE STROYAN: I think we have had all this.

DEFENDANT SYMONDS: With Mr. Lloyd, sir.

HIS HONOUR JUDGE STROYAN: I thought we had it with this witness, too.

DEFENDANT SYMONDS: I have been through this with Mr. Lloyd.

HIS HONOUR JUDGE STROYAN: Yes, I know you have.

MR. RIVLIN: We have not had this particular part, not with this witness.

HIS HONOUR JUDGE STROYAN: Very well. Yes.

DEFENDANT SYMONDS:

Q. Is it to your knowledge that Mr. Lloyd was in the habit of keeping the

original tape recordings at his home during the very early days of the enquiry, for safekeeping? - A. I don't recall that he did so. As I think I said, the very early tapes would have been looked after and locked up in some way. I can't recall how, and I don't know. It would surprise me, but it is possibly so. I don't know. I know that from fairly early on, they were all kept locked up in our office.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. At this stage, on the 30th of October, had you put into practice your security system for the security of the tape recordings? By this, I mean, the steel cabinet in The Times office? - A. I don't know whether we had or not. I don't recall.

Q. Was the steel cabinet supplied somewhat later in the enquiry? - A. It certainly was not. No, I am not absolutely sure about this. I know that I recall that there was a cabinet brought into the office. Whether that was an additional cabinet, or not ... We all had cabinets, or drawers in cabinets, and I do recall that at one point there was a cabinet brought into the office. Whether that was the one, or not, I am not sure.

HIS HONOUR JUDGE STROYAN: I think I have got this point. Yes. You wanted to put something to him about tapes coming in the car.

DEFENDANT SYMONDS: Yes. If witnesses are called who may give evidence that tape recordings were taken from the Times ...

HIS HONOUR JUDGE STROYAN: No. Ask the question. You are perfectly entitled to ask him the question, but you are not entitled to ask him what his view would be if someone gave an answer to a question.

DEFENDANT SYMONDS:

Q. Did you see tape recordings being brought into a public house in Beckenham? - A. I don't recall it.

Q. And given to you, or Mr. Lloyd, on the night of the 30th? - A. No, I don't recall it.

Q. Did you, at any stage, keep additional tape recordings, other than the originals, at the Times office? Spares, in other words? Unused originals? - A. Unused blank tapes?

Q. Yes? - A. It is possible.

Q. It is possible? - A. But mostly Mr. Hawkey, I seem to remember, brought them to the location, but I am not certain if we didn't have them back in the office. It is possible.

Q. Would these be tape recordings which had been used unsuccessfully on previous occasions, where the car had moved out of range? - A. You have just asked me whether there were, at any time, blank unused tape recordings at the Times. My answer was that that was possible. You are now asking me something different. So, if you are asking me whether there were other tapes which were unsuccessful, I can't remember.

Q. Do you recall if these tapes were wrapped in cellophane paper, sealed? - A. Brand new ones were, yes. And I remember we had a very good system of taking them off and breaking the seals, fairly early on in the enquiry.

Q. Do you recall whether the spare tapes kept in The Times office were wrapped in cellophane paper? - A. I didn't say they were. I said it was possible. You asked me whether it was possible, and I said it was. I didn't say that they were.

A Q. Turning to the 31st. In the morning, did you observe a meeting between Mr. Perry and Inspector Robson? - A. Yes.

Q. And Sergeant Harris? - A. I believe I did. Yes, I did.

Q. Can you recall whether that meeting was successful? - A. I can't remember off my hat. No, I can't remember whether it was or not. But it says here that I was enabled ...

B HIS HONOUR JUDGE STROYAN: I am not really concerned with Harris and Robson.

DEFENDANT SYMONDS: There is a link-up here, My Lord.

HIS HONOUR JUDGE STROYAN: There may be a link-up in the main case, but I am concerned with the authenticity of Exhibits 1 to 7.

C DEFENDANT SYMONDS: This refers to the authenticity of Tape 5.

HIS HONOUR JUDGE STROYAN: Well ask the question. What is the question?

DEFENDANT SYMONDS:

D Q. Can you discover from your notes or statements, whether or not the meeting on the morning was successful? - A. It seems to suggest here, that it was not successful.

Q. Can you recall what you did with the tape, the attempted ... With the tape recordings recorded that morning? - A. No, I can't.

E Q. What would have been your normal procedure with failed tape recordings? - A. I don't really recall what the normal procedure was. I don't think many failed from fairly early on. If you are driving at the possibility that this was then used as a tape recording for yours, I don't know the answer to that, whether or not it was. It is possible.

Q. Going on to the afternoon. Were you present when the tape recorders for the afternoon meeting were set up? - A. Yes.

F Q. And did you place the tapes on the tape recorders, or did Mr. Hawkey? - A. I don't remember that.

Q. Was Mr. Lloyd present? - A. Mr. Lloyd was always present at the meetings, yes.

Q. On every occasion? - A. Every one that I can recall. Yes.

G Q. And at the setting up of the tape recorders? - A. Well, he wasn't always standing at the boot of the car. Or, on some occasions, there was one tape recorder in the boot of the car, one tape recorder in another car. In (inaudible) there was one strapped to his wrist. I can't remember whether he was always present. One of us were always present when those tapes were placed on and taken off.

Q. Now, on this occasion, Tape 3, Exhibit 4, was affixed to one of the recorders, is that correct? - A. I can't say whether it is correct.

H Q. If you look at Tape 3, Exhibit 4, would it refresh your memory? - A. Yes. Yes.

Q. Now, on this tape recording, on one side, there are phone calls made on the 30th, is that correct? - A. Yes.

Q. And on the other side, the recording begins with a conversation between Mr. Perry and Mr. Robson, also on the 30th. Is that correct? - A. I don't know.

Q. Will you look on the back of the box, and see if that refreshes your memory? - A. "Start of tape includes meeting with Harris outside Edinburgh Castle on duplicate but of little use because batteries of Uher ran down. Later on, Sergeant Symonds, as was written on front of box".

Q. Could you quickly refer back to your notes, and see if you did meet Sergeant Symonds at Edinburgh Castle on the 30th? - A. The 30th?

Q. Yes? - A. I don't remember it.

Q. Well, if you just look ...? - A. Yes. There was a meeting on that day with Inspector Robson and Harris.

Q. Your notebook, October 30th, you make a note referring to 'Gordon'. That is Gordon Harris, is it? - A. I presume so, yes.

Q. So, it would appear from reference to the tape recording, and reference to your notes, that the first part of the recording now known as 3A was made on the 30th of October? - A. Yes, if this box is right, unless there was more than one meeting with him there. I don't know.

Q. And I believe you could not recall whether those phone calls had been made on the 30th, unless you heard them played, did you say? - A. No, I wouldn't know the date they were recorded, even if I did hear them played.

Q. Well, at any rate, the meeting between Perry and Harris at Edinburgh was on the 30th? - A. That is so.

Q. Yes. - A. That is what it says here, the 30th.

Q. Yes. Now that conversation was, in fact considered ... was considered a successful meeting, was it not, on the 30th?

HIS HONOUR JUDGE STROYAN: It doesn't matter.

DEFENDANT SYMONDS:

Q. Oh. We have heard evidence about the safety, arrangements for the safety and security of the tape recordings. Can you explain why this tape recording containing, on one side, phone calls, which was Exhibit 3 in another case; and on the other side, the recording of a meeting between Perry and Sergeant Harris on the 30th ... Can you explain why this tape recording was either brought back from The Times, or from Mr. Lloyd's house, and used again on the 31st? - A. No, I can't. I can't.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Do you recall that the conversation with Perry, in respect of the meeting on the afternoon of the 31st, starts in fact before the end of the recording of the meeting between Perry and Harris? - A. Sir, I ...

HIS HONOUR JUDGE STROYAN: I don't understand that.

DEFENDANT SYMONDS: What has happened here, My Lord, is that it doesn't, Tape 3B does not follow on after the end of Tape 3A, but in actual fact it erased part of the recording of Tape 3A.

HIS HONOUR JUDGE STROYAN: I don't suppose this witness can possibly answer that.

DEFENDANT SYMONDS: Well, My Lord, I imagine that would be such an unusual occurrence, not only to place a previously used spool of tape on a machine in view of their ...

HIS HONOUR JUDGE STROYAN: This witness is not the person who did that.

MR. RIVLIN: If it helps, we accept that that is what happened, and it won't even be necessary to call evidence about it, unless the defendant wishes to.

HIS HONOUR JUDGE STROYAN: The prosecution accept that what ...?

MR. RIVLIN: The position is this, that as I understand it, it is being alleged that part of 3A was erased by the recording of 3B. Is that right?

DEFENDANT SYMONDS: That is correct, My Lord.

MR. RIVLIN: Well, we accept that, Your Honour.

HIS HONOUR JUDGE STROYAN: Part of 3A was erased by 3B. yes. That is the point you wanted to make?

DEFENDANT SYMONDS: Yes.

Q. Now, I would like to ask Mr. Mounter if he can offer any explanation as to why they should, on that occasion, have erased part of the conversation of 3A? - A. No, I can't. No idea. If you are saying that the tape was used again, then it is possible that a conversation that was underneath is one that failed, but I do not know at this stage. I am afraid it just is impossible for me to remember these things in that way.

HIS HONOUR JUDGE STROYAN: Yes.

DEFENDANT SYMONDS:

Q. Now, that was one tape recording on the afternoon of the 31st; and you made, in fact, another tape recording which is Tape 5? - A. If you say so. Yes. As far as I know, another tape recording.

HIS HONOUR JUDGE STROYAN: I think, that one, we have all heard.

WITNESS MOUNTER: Yes, we made another tape recording on that day.

DEFENDANT SYMONDS:

Q. And do you recall making a statement to Chief Inspector Duffy about these matters? - A. I do.

Q. And do you recall telling Chief Inspector Duffy that that tape was, in fact, a brand new tape? - A. I don't recall it, if I did tell him.

Q. If you refer to the statement you made, would it refresh your memory? - A. If it is in the statement, then that is what I obviously said.

Q. You signed every page? - A. Yes.

Q. Now, are you quite sure that was a brand new tape? - A. I can't be sure, Mr. Symonds, no. There is no way I can be sure, looking back that far; but I would imagine I may have been wrong at the time when I made that statement to Mr. Duffy, but I would imagine my memory was very clear at that time.

Q. Very clear.

DEFENDANT SYMONDS: My Lord, reference the acceptance by the prosecution of this point, I am not sure. Can I put that to Mr. Mounter, that the prosecution have now accepted ...?

HIS HONOUR JUDGE STROYAN: He has heard it. He has heard them do so. We all have. There is nothing more to be gained from that.

DEFENDANT SYMONDS: My Lord, the thing is this. The evidence is, and has been for many years, that Tape 5, when it was placed on the spool, was brand new. Everybody says this. Mr. Hawkey, Mr. Lloyd, Mr. Mounter, everybody.

Now, My Lord, the experts have found phenomena on this tape which showed another opinion that it was not brand new. It was, in fact a copy; and the prosecution, I believe, have accepted that at a certain point of this tape recording, there is some form of break, and the conversation thereafter relates to another meeting.

HIS HONOUR JUDGE STROYAN: What the prosecution have just said, is they accepted part of Tape 3A was erased.

MR. RIVLIN: No, no Your Honour. Can I help? The defendant is talking, now, about another tape, Tape 5.

HIS HONOUR JUDGE STROYAN: I know that, yes.

MR. RIVLIN: We accept, and we accepted the other day, that Tape 5 was not factory fresh when it was placed on the spool. That is different, in our submission, from it being a copy, very different. But we accept that it was not factory fresh. In other words, that it was not a virgin tape.

HIS HONOUR JUDGE STROYAN: Yes. I think that was a phrase you used last time. It is not a virgin tape.

MR. RIVLIN: Yes.

DEFENDANT SYMONDS: My Lord, the evidence has been, for many many years, that these were in fact virgin tapes when they were placed upon the reels, and you have heard Mr. Hawkey on this subject, My Lord, who was the sound engineering expert who gave evidence about that.

Q. Mr. Mounter, if it is a fact that what was described as a brand new virgin tape by Mr. Hawkey, and indeed Mr. Lloyd, and by yourself on one occasion, has now been admitted to. The tape before the court now, Mr. Mounter, as Exhibit 5, could not have been a brand new virgin tape? - A. Yes. If that is the case, and if it was not a brand new virgin tape, then we would have been mistaken about this one being a brand new virgin tape. It is one of those we had torn cellophane off. The system we used for most of the tapes, taking both cases together. But the recording, as far as I can possibly recall, is the recording made on that day. It is possible that one of us, or all of us, made a mistake as to when we started taking

cellophane off the boxes, but that is an error, not anything else.

A Q. Were you present, I forget? You were present at the copying processes at Location Sound Facilities? - A. I have said that several times. I can't really remember doing so. I have some recollection of being with Mr. Duffy, but I am not sure.

B Q. Would it have been possible for the brand new virgin tape used on this machine on this occasion, to have become mixed up at the copying process with another previously discarded tape, on to which the alleged conversation was copied? - A. I would think it most unlikely, but it is possible I suppose. It would mean that somebody would have to have, at that copying process, some of the 'failed tapes' as you are calling them, from earlier meetings. I think it most unlikely. Most unlikely.

Q. And the failed tapes were returned to Mr. Hawkey? - A. I have not said that. I don't really know what happened to them. I don't think there were many, and I don't know whether they were used again or not.

C Q. According to Mr. Hawkey, the failed tapes were returned to his company, and then used for laboratory purposes? - A. That would be quite possible. I do not know.

Q. And the copying of these virgin tapes was done in the laboratory of LSF? - A. That is where I believe the copying was done, at Location Sound.

D Q. So it is, therefore, conceivable that the tape recording used on the 31st, when doing copying, may have been copied on to a previously discarded tape which was present in the laboratory? - A. I have already answered that. I think it is most unlikely.

Q. Most unlikely. Thank you. Turning now to November ...

HIS HONOUR JUDGE STROYAN: I think we will do that tomorrow.

E Evening Adjournment

F
G I hereby certify that I took Shorthand Notes in the trial of Regina - v - Symonds, and that pages numbered 1 - 37 are a complete and correct transcript of my said Shorthand Notes to the best of my skill and ability.

H
Signed: *Laet Bonee*